



Mayor & Council of Berlin

10 William Street, Berlin, Maryland 21811
Phone 410-641-2770 Fax 410-641-2316
www.berlinmd.gov



Mayor

Wm. Gee Williams, III

Vice President

Elroy Brittingham, Sr.

Council Members

Dean Burrell, Sr.

Lisa Hall

Paula Lynch

Troy Purnell

BERLIN, MARYLAND

MAYOR AND COUNCIL WORKSESSION

Town Attorney

David Gaskill

MONDAY, AUGUST 15, 2011

Town Administrator

Anthony J. Carson, Jr.

**COUNCIL CHAMBERS – BERLIN TOWN HALL
10 WILLIAM STREET
BERLIN, MD 21811**

WORK SESSION.....6:00 PM

*Anyone having questions about the meetings mentioned above or needing special accommodations should contact Tony Carson, Town Administrator at (410) 641-4144
TTY users dial 7-1-1 in the State of Maryland
TTY users outside Maryland dial 1-800-735-2258*



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Town of Berlin Work Session

Possible Code Revisions: Property Maintenance/Rental Inspection Program

August 15, 2011 6:00 pm

Berlin Town Hall Chambers

- 1 Additions/Amendments to agenda
2. Presentation and review of Draft Ordinance
3. Comments and suggestions from Mayor and Council
4. Public Comments
- 5 Recommended action items for Staff
6. Adjournment

BERLIN MAYOR AND COUNCIL
PROPERTY MAINTENANCE/RENTAL INSPECTION PROGRAM
WORKSESSION MINUTES

JULY 18, 2011

Revised as of Council meeting held on July 25, 2011

The Property Maintenance/Rental Inspection Program Work session of the Berlin Mayor and Council was called to order by Mayor Williams at 6:11 p.m. In attendance were Councilmembers Elroy Brittingham, Dean Burrell, Lisa Hall and Troy Purnell. Also in attendance were Town Administrator Tony Carson, Economic and Community Development Director Michael Day, Planning and Zoning Director Chuck Ward, Town Attorney David Gaskill, Administrative Assistant Sharon Timmons and Planning and Zoning Commission Attorney Mark Tilghman. Councilmember Lynch arrived late to the meeting.

The purpose of the Work session was to discuss property maintenance and rental issues on poorly maintained properties throughout town, **vacant and boarded up properties**, complaints on rental properties, identification of these areas and the types of problems and to recommend legal ways to minimize and eliminate these problems. Councilmember Lynch arrived at 6:14 p.m.

Planning and Zoning Director Chuck Ward stated that it is now illegal to convert a single family home to a multifamily use in the R1 and R2 districts. He continued in reporting that the main issue is the lack of maintenance of the exterior of the properties. Discussion continued regarding livability inspections. Mayor Williams questioned what measures could be taken against owners who do not keep the properties maintained and was there a legal discretion between single family and multifamily dwellings.

Mark Tilghman, Attorney for the Town of Berlin's Planning and Zoning Commission stated that if the Town were to set up a landlord licensing program, they could apply standards to the granting of a license to the property owner contingent on inspections. Discussion continued on the subject of business licenses, inspection programs and the regulations associated with multifamily properties.

Discussion continued on parking issues at the multifamily dwellings and if standards could be established for driveways. Mayor Williams inquired if more stringent standards could legally be established for multifamily dwellings than by means of a rental inspection program being implemented. Town Administrator Tony Carson recommended an amendment to the existing code addressing parking issues by means of an ordinance which would allow the Town to enforce by inspection.

Mr. Ward stated that a licensing requirement could be implemented that would require any legal, non-conforming rental unit to comply with all current property maintenance codes. Some of issues discussed were driveways, junk vehicles and exterior maintenance. Councilmember Hall stated that the main question was "How do we legally address the


handful of problem properties with minimal impact on those persons who do take care of their rentals”?

Mr. Tilghman suggested staff compile a collective list of problems and inventory of the rental properties. Mayor Williams stated that the Town needed to create a set of standards that applies to all residences and also how to handle unoccupied residences. A recommendation was made to set up a licensing and registration system. Language should be included to address increased standards, where applicable, time limits for compliance, enforcement options and associated fees.

Mayor Williams requested that Mr. Ward, Mr. Gaskill and Mr. Tilghman to draft a rental housing and licensing program for the Mayor and Council to review that would cover multifamily dwellings in all districts stating actions that could be taken and in what sequence and establish timelines. The next work session would be held on Monday, August 15th at 6:00 p.m. Councilmember Lynch suggested that they would need a better inventory of the rental properties sorted by last name first.

Mayor Williams closed the Worksession at 7:47 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Sharon Timmons".

Sharon Timmons
Administrative Assistant

ORDINANCE 2011-~~06~~

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWN OF BERLIN, A MARYLAND MUNICIPAL CORPORATION, AMENDING CHAPTER 39, BUSINESS LICENSES,

WHEREAS, the Mayor and Council have determined that it is in the best interest of the Town to ensure adequate rental housing standards be upheld, and

WHEREAS, the Mayor and Council find that the Town has a responsibility to those residing in rental properties that certain standards be required of the owners of rental properties,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Town of Berlin that Chapter 39 be amended as follows:

§ 39-11. Rental Housing Licensing

- A. Purpose.** The purpose of this section is to assure compliance with all laws, ordinances and regulations applicable to rental housing units within the corporate limits of the Town of Berlin. It is further the purpose to ensure safe, healthy and habitable housing conditions in rental housing units and to prevent said units from deterioration and to encourage responsible management, maintenance and use of rental housing units through landlord licensing, rental registration and inspections.
- B. Definitions.**
- Rental Housing Unit.* Any space in any building within the Town limits of Berlin which, for a consideration, is made available by any person to another person for dwelling purposes.
- Building Official.* The individual appointed by the Mayor and Council to administer and interpret the applicable regulations for housing and property maintenance.
- Housing Board of Review.* The body, appointed by the Mayor and Council, established in Chapter 60-12, to whom appeals of this section of Code shall be made.
- C. Licensing.** Any person renting for the purpose of habitation any rental housing unit shall obtain a Rental License from the Town of Berlin. The holder of the license shall have principal interest in the Rental Housing Unit(s) for which the license application is made. The Town shall obtain appropriate contact information from the applicant, including phone number and emergency contact information. The application shall include a consent to inspection during reasonable hours for the term of the license. Licenses shall be issued for a term of one year and may be renewable for additional one-year terms. Licenses shall be non-transferrable. Fee for said license shall be established by the Mayor and Council and may be amended from time to time.
- D. Registration.** For every rental license issued, a registry of all rental properties owned by the licensee shall be maintained by the Town. Said registry shall include the address of each Rental Housing Unit and the approximate number of residents for each Unit.
- E. Inspections.** An inspection of the property(s) for which application has been made may be conducted prior to the issuance of a Rental License. All Rental Housing Units shall be subject to the International Property Maintenance Code as described in Chapter 80 of the Berlin Code.
1. The Building Official, upon recommendation by a Federal, State, County or Town agency, may require the inspection of a rental Housing unit when there exists the belief that a property is not in compliance with housing and property maintenance standards as established in the Town Code.

2. If an inspection indicates that a rental housing unit is not in compliance with all applicable regulations and codes, the rental license may be subject to revocation. A rental license may be revoked if the licensee fails to correct the code violations within the time frame as specified by the Building Official. The revocation of a rental license shall be in addition to and not in substitution for other penalties and fines as may be provided for in other laws or ordinances.

F. Compliance Required. Owners of rental housing units are required to obtain a license to operate said rental unit. Any owner of a residential rental property who allows occupancy of a rental housing unit without first obtaining a license from the Town may be subject to a fine of up to \$100.00 for an initial violation and \$200.00 per day for repeat or continuing violations. Each day the violation exists may be considered a new violation. The Building Official, when made aware of an unlicensed rental unit, shall inform the owner, in writing, of the license requirement. Failure of the owner to apply for a rental license within ten (10) business days shall be considered a violation of this section and cause the owner to be subject to the fine stated above.

In order to prevent unsafe, unsanitary, substandard or non-compliant rental housing, the Town shall have the authority to seek an injunction from the Worcester County Circuit Court against any owner of a rental housing unit to prevent continued operation of an unlicensed or non-compliant rental housing unit.

G. Appeals. Any person aggrieved by the action of the Building Official may, within ten days of receipt of written notice of such action, appeal such action to the Berlin Housing Board of Review by filing a Notice of Appeal to the Building Official. The Board shall meet within thirty (30) days of such notice and conduct a hearing according to its regulations as established in the Town Code. All fines, penalties, suspensions or revocations shall be stayed pending the Board of Review hearing and the decision of the Board.

Any person aggrieved by an action of the Housing Board of Review may appeal such action to the Circuit Court for Worcester County pursuant to the Maryland Rules of Procedure.

THIS ORDINANCE was introduced and read at a meeting of the Town Council held on the _____ day of _____, 2011, and thereafter a statement of the substance of the Ordinance having been published as required by law was finally passed by the Town Council on the _____ day of _____, 2011.

Adopted and effective this _____ day of _____, 2011 by the Mayor and Council of the Town of Berlin, Maryland, by affirmative vote of _____ to _____ opposed, with _____ abstaining.

Elroy Brittingham, Vice-President

Approved and effective this _____ day of _____, 2011 by the Mayor of the Town of Berlin.

Wm. Gee Williams III, Mayor

ATTEST: Anthony J. Carson, Jr., Town Administrator